IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 512/2006

RAMJILAL VS. STATE OF RAJASTHAN & ANR.

DATE: 18.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Kamlendra Sihag for
Mr. Biri Singh for the complainant-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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Brief facts of the case are that complainant Ramjilal filed a complaint in the Court of Special (Mobile) Judicial Magistrate, Rajgarh camp Laxmangarh and the same was forwarded to police station Kathumar under Section 156(3) Cr.P.C., on which FIR No. 178/1993 was registered for the offence under Sections 498-A, 406 and 323 IPC and investigation commenced. After completion of investigation, police filed challan for the offence under Sections 498-A and 323 IPC against Jagmohan, Dharmaram and Smt. Rajvanti. Charges were framed against these persons for the offence under Section 498-A and 323 IPC, which were denied by the accused and they claimed trial. The prosecution examined as many as 9 witnesses along with documents

Ex.P1 to Ex.P3 in support of its case. The accused were examined under Section 313 Cr.P.C. and in defence they produced DW1 Jagmohan and documents Ex.D1 to Ex.D8.

After hearing both the parties, the Judicial Magistrate, First Class, Kathumar, Alwar vide its judgment dated 04.12.2002 acquitted co-accused Dharmaram and Rajvanti from the charges under Sections 498-A and 323 IPC and accused Jagmohan from the charge under Section 323 IPC but convicted the accused Jagmohan under Section 498-A IPC and sentenced to undergo simple imprisonment for one year and a fine of Rs. 500/-, in default of payment fo fine to further undergo simple imprisonment for 15 days.

Against the said judgment dated 04.12.2002, the accused-respondent Jagmohan preferred appeal and the appellate Court i.e. the Additional Sessions Judge, Laxmangarh, District Alwar vide its judgment dated 23.02.2006 partly allowed the appeal and acquitted the accused-respondent Jagmohan from the charge under Section 498-A IPC, against which this revision petition has been preferred by the complainant-petitioner.

Having considered the rival submissions of the respective parties and upon careful perusal of the impugned judgment passed by the trial Court and the Appellate Court as well as the relevant record and the

evidence of the witnesses produced by the prosecution and the witnesses of defence, I find no illegality in the judgment dated 23.02.2006 passed by the Appellate Court and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/